THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 10516 OF 2006

Dated 31st May 2006

Between:

M.Hari Narayana @ Hari Babu S/o.M.Chandraiah

…Petitioner

and

The Govt. of A.P., rep. By its Principal

Secretary, Department of Home,

Hyderabad & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10516 OF 2006

O R D E R:

The petitioner holds a licence to exhibit films in M/s.Sandhya 70 MM Theatre at Kadapa. The theatre is owned by the 6th respondent herein. She, in turn, entered into an agreement of sale, with the petitioner. The said agreement is the subject matter of O.S.No.44 of 2002, on the file of the I Additional District Judge, Kadapa. The suit was dismissed on 29.4.2006.

The 6th respondent made a representation to the Joint Collector, Kadapa, the 2nd respondent herein, with a prayer to cancel the licence, in view of the dismissal of the suit. Through order, dated 18.5.2006, the 2nd respondent cancelled the licence of the petitioner.

Petitioner filed W.P.No.10400 of 2006 in this court. After hearing all the concerned parties, this court allowed the writ petition on 25.5.2006, by setting aside the order dated 18.5.2006, on the sole ground that the petitioner was not put on notice.

The 2nd respondent passed an order, dated 27.5.2006, directing seizure of the theatre, on the ground that the petitioner is running it, even after cancellation of the licence through order dated 18.5.2006. When the petitioner represented that the order dated 18.5.2006 was set aside by this court, the 2nd respondent made an observation that the orders of this court were not made available. The petitioner challenges the order dated 27.5.2006, on several grounds.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

The only basis for affecting seizure of the theatre through the impugned proceedings, is that despite cancellation of the licence through the order dated 18.5.2006, the petitioner is exhibiting films. The fact remains that the order dated 18.5.2006 was set aside by this court, through its order dated 25.5.2006 in W.P.No.10400 of 2006. Therefore, there does not exist any basis for the impugned order.

Hence, the writ petition is allowed, and the impugned order dated 27.5.2006 is set aside. The 2nd respondent shall take necessary steps, as directed by this court in W.P.No.10400 of 2006. The 2nd respondent shall ensure that seals, if any, put on the theatre are removed, forthwith. There shall be no order as to costs.

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31st May 2006

Note: Operative portion by wire.

(B/o)

PAN